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MICHAEL R. SCHACHT

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TO: Examiner Tara Mayo  
 U.S. Patent and Trademark Office  
 Fax No.: 703-872-9306

DATE: November 10, 2004

FROM: Michael R. Schacht

PAGES: 4 (cover sheet included)

Re: U.S. Application Serial No. 10/716,918  
 Filed: 11/18/2003  
 Applicant: John L. White  
 AUTOMATICALLY ADJUSTABLE CAISSON CLAMP  
 Attorney Docket No.: P214470

Enclosed are:

- 1) Cover letter for Terminal Disclaimer (1 page)
- 2) Terminal Disclaimer Form PTO/SB/26 (1 page)
- 3) Certificate of Transmission (1 page)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John L. White	)	Attorney Ref.: P214470
Serial No.:	10/716,918	)	Art Unit: 3671
Filed:	11/18/2003	)	Examiner: Tara L. Mayo
Title:	AUTOMATICALLY ADJUSTABLE CAISSON CLAMP	)	

## TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above-noted application is a Terminal Disclaimer Form.

Please charge the \$55 small entity terminal disclaimer fee in connection with this matter to Deposit Account No. 502099.

Signed at Bellingham, County of Whatcom, State of Washington this 10th day of November, 2004.

Respectfully submitted,

Michael R. Schacht  
Michael R. Schacht, Reg. No. 33,550  
Schacht Law Office, Inc.  
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PTO/SB/26 (09-04)

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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENTDocket Number (Optional)  
P214470

In re Application of: JOHN L. WHITE

Application No.: 10/716,918

Filed: 11/18/2003

For: AUTOMATICALLY ADJUSTABLE CAISSON CLAMP

The owner\*, AMERICAN PILEDRIVING EQUIPMENT, INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,648,556 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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is found invalid by a court of competent jurisdiction;  
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has all claims canceled by a reexamination certificate;  
is reissued; or  
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 33,550

*Michael R. Schacht*

Signature

NOVEMBER 10, 2004

Date

MICHAEL R. SCHACHT

Typed or printed name

(360) 647-0400  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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